THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20229 OF 1997

ORAL ORDER:

This writ petition is filed seeking a declaration that the order of confiscation passed by the 2nd respondent dated 25.2.1997, as confirmed by the 1st respondent on appeal, is arbitrary and illegal.

I have heard the learned counsel for both the parties.

The material on record shows that the petitioner's lorry bearing Registration No.AP-04-T-4956 was seized by the Forest Range Officer on 17.2.1997 on the ground that it was illegally carrying 2000 sizes of miscellaneous species with a volume of 6.3 cubic meters without transit permit as required under the provisions of the A.P. Forest Act, 1967 (for short "the Act") read with A.P. Forest Produce Transit Rules, 1970 (for short "the Rules"). After issuing show cause notices to all the concerned and after conducting necessary enquiry, the 2nd respondent by order dated 25.2.1997 directed payment of compensation of Rs.51,655/- under Section 59(1)(iii) of the Act *in lieu* of compensation for the seized vehicle. So far as the forest produce is concerned, the same was confiscated to the State. Aggrieved by the same, the petitioner preferred an appeal, which was dismissed by the 1st respondent by order dated 28.6.1997.

In this writ petition, it is contended by the petitioner that the compensation ordered to be paid is exorbitant and without any basis. It is also contended that the seized material are only rafters of Tamarind, Sunkesulu and Ragi, which are not forest produce as defined under Section 2(g) of the Act, and therefore it cannot be said that any forest offence was committed.

Under Section 59(1)(iii) of the Act, the Forest Officer is entitled to accept compensation from any person who committed any forest offence to the extent of four times the estimated value of forest produce involved in forest offence. In the case on hand, admittedly, the value of

the stock seized was Rs.17,218/- and the compensation awarded was three times the said value. Thus, it is well within the power conferred under Section 59(1)(iii) of the Act.

So far as the contention that the seized material was not forest produce is concerned, both the authorities have recorded a finding that the seized forest produce is not an exempted species and, therefore, it requires transport permit under the provisions of the Rules. Such concurrent finding of fact does not warrant interference by this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition, which is devoid of any merit, is dismissed. No costs.

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(G. ROHINI).

5th December, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20229 OF 1997

5th December, 2006.

Between:

G. Venkateswara Naidu. .. Petitioner.

And

The Conservator of Forests, Kurnool
Circle, Kurnool and another. .. Respondents.